



Data Protection Notice
for processing personal data during
monitoring, investigative, auditing and consultative activities of the DPO
(including follow-up/registering in case of data breaches)

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the Innovation and Networks Executive Agency (hereafter INEA) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is INEA:
 - a. INEA- Unit R2
 - b. Person responsible for the processing: Data Protection Officer
 - c. Email: INEA-DPO@ec.europa.eu
2. The **purpose of the processing** is
The purpose of the processing is to allow the Data Protection Officer to collect and further process personal data where strictly necessary to perform his/her tasks in line with the requirements of the Regulation (monitoring, investigative, auditing and consultative activities (including registering and advising on data breach cases, etc) .)
3. The **data subjects** concerned by this notice are
Data subjects are either internal or external to the organisation.

The Data Protection Officer collects and further processes the personal data of Agency staff and any natural person outside the Agency (contractors, processors, applicants, grant beneficiaries, etc) who:
 - exercise their rights under the Regulation,
 - bring to the attention of the Data Protection Officer any matter alleging that a breach of the Regulation has taken place;
 - request that the Data Protection Officer monitor, investigate or audit a specific processing operation of the Agency;
 - consult the Data Protection Officer on any matter concerning the interpretation of the Regulation;
 - complain to the European Data Protection Supervisor pursuant to the Regulation and whose complaints and personal data are transmitted to the Data Protection Officer;
 - are concerned by a specific monitoring, investigative, auditing or consultative activity of the Data Protection Officer.
 - are Data Protection Contact Points of INEA departments/unit involved in a personal data breach;
 - inform the Data Protection Officer of a personal data breach, and/or are involved in managing a personal data breach.
4. The **categories of personal data** collected and used for the processing operations are:
Any personal data of any individuals, whose personal data are processed by the Agency or its processors, which is necessary for the Data Protection Officer to perform his/her monitoring, investigative, auditing or consultative activities.

These personal data may be:

- Name and function;
- Contact details (e-mail address, telephone number, postal address, company and department, country of residence, etc.);
- A copy of an identity document of applicants (where relevant);
- Case involvement data (ref no, etc.) ;
- Any other types of personal data specific to the processing operation that the Data Protection Officer monitors, investigates, audits or is being consulted upon (complaint, registration of data breaches, etc).

The Data Protection Officer obtains personal data:

- directly from the data subjects where they exercise their rights under the Regulation (consult the Data Protection Officer or request that s/he carry out monitoring, investigations or audits, etc);
- from the European Data Protection Supervisor in relation to the complaints transmitted or inspections launched by the European Data Protection Supervisor.

The Data Protection Officer does not collect per se sensitive categories of personal data under Articles 10 and 11 of the Regulation. However, any personal data, processed by the Agency or its processors (including sensitive categories of personal data), might potentially be communicated to the Data Protection Officer for the purpose of his /her monitoring, investigative, auditing or consultative activities.

5. The **recipients** of the data are:

All recipients are on a "need to know" basis:

- The Data Protection Officer and Deputy Data Protection Officer, who are responsible for carrying out the processing operation.
- Other Agency authorised staff in accordance with the “need to know” principle (Director, Head of Department, Head of Unit R2 , etc.)
- In case of audits or proceedings, etc., INEA’s Internal Controller, Legal Sector, Staff Committee, etc
- The European Data Protection Supervisor for process involving them.
- Any individuals, whose personal data are processed by the Agency as controller or its processors and potentially be affected by a personal data breach.

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purpose of the processing:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004;
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;

- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

6. Data Subjects rights:

- You have the right at any time to access, rectify, erase ('right to be forgotten') your personal data.
- You are also entitled to object to the processing or request for the restriction of the processing.

You can exercise your rights by sending an email with the requested change(s) to the controller via the functional mailbox indicated here-above in Section 1.

In any cases your data will be modified or removed accordingly and as soon as practicable (maximum within 15 working days).

However, the modification or the deletion of personal data is not allowed if it impacts the monitoring, auditing or investigating activities of the Data Protection Officer. In that context, rights to access, rectify or erase may be restricted by the Controller on a case-by-case basis in line with the relevant Internal Rules¹ adopted pursuant to Article 25 of the Regulation, where necessary and appropriate for the purposes. This restriction shall be proportionate to what is strictly necessary for the purpose of the processing. In order to grant or not the data subjects rights, the Agency will carry out a case-by-case assessment of each individual request and give the reasons underlying its decision for restriction.

The restrictions will continue applying as long as the reasons justifying them remain applicable and may be lifted if these reasons would no longer apply.

When processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing before such a withdrawal

7. How does INEA protect and safeguard your data?

Personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect personal data, the Agency has put in place a number of technical and organisational measures:

- Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed.
- Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

¹ Decision SC (2020) 26 of the INEA Steering Committee of 14.10.20 with ref. ARES (2020) 5591003

8. **The legal basis of the processing** are:

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes
- Commission Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/593/EC
- Commission Decision C(2013)9235 of 23 December 2013 delegating powers to INEA with a view to the performance of tasks linked to implementation of the Union programmes in the field of transport, energy, telecommunications infrastructure and in the field of transport and energy research and innovation, comprising in particular implementation of appropriations entered in the general budget of the Union.

9. The **time limits for keeping** the data are the following:

In accordance with the 2019 Retention List of the Commission:

- Personal information is not be kept for a longer period than necessary having regard to the purpose of the processing:
- Files concerning relation with the EDPS including consultations, provisions of information & notifications of data breaches are kept for 5 years.
- Applications for the exercise of data subjects rights are kept for 5 years
- Complaints about maladministration & infringements of data protection rules are also kept for 5 years

10. **Contact information**

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1

You may contact at any time the Data Protection Officer of the Agency (INEA-DPO@ec.europa.eu). You have the right to have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).